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7 **Attorneys for Defendant CAPITOL RECORDS, LLC**

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 MARTHA DAVIS, as an individual on
behalf of herself and all others similarly
12 situated,

13 Plaintiff,

14 vs.

15 CAPITOL RECORDS, LLC, et al.,

16 Defendants.

) Case No. 12-cv-1602-YGR
) (Related to Case No. 12-cv-3059-YGR)

) **ORDER ADMINISTRATIVELY**
) **CLOSING CASES PENDING**
) **CONSOLIDATION AND SETTLEMENT**
) **APPROVAL**

17 RALPH VIERRA TAVARES, et al.,

18 Plaintiffs,

19 vs.

20 CAPITOL RECORDS, LLC, et al.,

21 Defendants.

) Case No. 12-cv-3059-YGR
) (Related to Case No. 12-cv-1602-YGR)

) Assigned to: Hon. Yvonne Gonzalez Rogers

1 Plaintiff Martha Davis (“Davis”), the plaintiff in the action styled as *Davis v. Capitol*
2 *Records, LLC*, Case No. 12-cv-1602-YGR (the “*Davis* Action”), and plaintiffs Ralph Vierra
3 Tavares, Arthur Tavares, Feliciano Vierra Tavares, Antone Lawrence Tavares, and Perry Lee
4 Tavares, individually and jointly p/k/a “Tavares”, the plaintiffs in the action styled as *Ralph*
5 *Vierra Tavares, et al. v. Capitol Records, LLC*, Case No. 12-cv-3059-YGR (the “*Tavares*
6 *Action*”), and Defendant Capitol Records LLC (“Defendant” or “Capitol”), the sole defendant in
7 both the *Davis* Action and the *Tavares* Action (collectively, the “Related Actions”), submit the
8 following Joint Supplemental Case Management Statement and proposed order to administratively
9 close these actions pending final approval of a proposed class settlement.

10 As the parties previously advised this Court at a telephonic conference, the *Davis* Action
11 and *Tavares* Action are the subject of a proposed class settlement pending before the Honorable
12 Susan Illston in *Rick James et al. v. UMG Recordings, Inc.*, CV 11-01613 SI (MEJ) (the “*James*
13 *Action*”). See Exhibit A (Stipulation of Settlement). In connection with and solely for purposes
14 of effectuating that proposed class settlement, the parties have stipulated to the filing of a
15 consolidated complaint that joins the *Davis* Action and *Tavares* Action with the *James* Action
16 before Judge Illston. To conserve private and judicial resources, and in light of the pendency of
17 the proposed class settlement, which Judge Illston preliminarily approved on April 28, 2015,¹ the
18 parties stipulate and request that the *Davis* Action and *Tavares* Action be administratively closed,
19 without prejudice, pending final approval of the proposed class settlement.

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23 ¹ Based on prior discussions with this Court, the parties advised Judge Illston that the Court
24 supports efforts to resolve the *Davis* Action and *Tavares* Action through settlement. Judge Illston
25 directed the parties to relay to this Court that, in the event this Court has an objection to the
26 proposed resolution of the claims asserted in the *Davis* Action and *Tavares* Action through a
27 consolidated complaint in the *James* Action, the parties shall confer with this Court as to an
28 alternative method for resolving those actions. The parties respectfully submit that proceeding in
a consolidated fashion in the *James* Action (the first filed of the three actions) advances the
interests of all parties and avoids duplicative proceedings.

1 The parties will advise the Court regarding any ruling relating to final approval of the
2 settlement. Assuming final approval is granted, the parties have stipulated that such approval shall
3 function as dismissal of the *Davis* Action and the *Tavares* Action with prejudice.

4 **IT IS SO STIPULATED.**

5
6 DATED: May 1, 2015

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7
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1 DATED: May 1, 2015

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1 DATED: May 1, 2015

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Attorneys for Tavares and the Class

15 **ORDER**

16 Good cause appearing, including the joint stipulation of counsel for the parties, the *Davis*
17 Action."34/EX/3824. and *Tavares* Action."34/EX/527; are hereby administratively closed without
18 prejudice pending final approval of a pending proposed class action settlement in the *James* Action.
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20 **IT IS SO ORDERED.**

21 Dated: May 5, 2017

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23 Hon. Yvonne Gonzalez Rogers
24 United States District Judge
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